

AMENDMENTS TO THE DRAWINGS WITHOUT MARKINGS

IN THE DRAWING:

Fig.3, as previously submitted with applicant's response filed on April 28, 2006, has been canceled. A new Fig. 3 has been added.

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of October 27, 2006.

Claims 1-8, 10-12, 15 are pending in the application. Claims 1 and 5 have been amended. Claim 2 has been canceled. No claims have been added. Amendments to the specification and drawings have been made. No fee is due.

It is noted that the drawings are objected to because they contain new matter. In this context, record is also made of a telephonic interview between applicant's representative and the Examiner which took place on October 24, 2006. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the Examiner suggested to show the subject matter of claim 5 by way of a block diagram in order to address the "new matter" objection with respect to previously submitted Fig. 3. As a result of the interview, applicant submits herewith a new drawing sheet for Fig. 3, labeled "Replacement Sheet", showing a block diagram, as suggested by the Examiner. The specification has been amended to make it consistent with the changes to the drawings. In addition, applicant corrected a minor typographic error in the specification.

Claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,676,506 to Sugata.

Claims 1, 2, 4, 7, 8, 10, 11, 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over German Pat. No. DE 101 23 717.0 to Müller.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Müller in view of U.S. Pat. No. 5,009,554 to Kameyama et al.

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Müller in view of U.S. Pat. No. 6,464,435 to Chen.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Müller.

Applicant has amended claim 1 by setting forth the detachable connection between the tie rod and the drive shaft and the particular sequential disposition of the spindle head assembly and drive unit. By positioning the spindle head assembly and drive unit in axially successive relationship, the tool can be changed, while the spindle unit rotates. Support for the changes to claim 1 can be found in paragraphs [0011] and [0028] in combination with Fig. 1.

Claim 5 has been amended to make it dependent on claim 1.

The Müller reference discloses a motor spindle having a drive unit (3) and a spindle head assembly (2) which is placed in surrounding coaxial relationship to the drive unit. Apart from the fact that Müller fails to disclose the particular positional relationship of drive unit and spindle head assembly, as set forth in claim 1, there is also no reference that allows a detachment of parts to exchange a tool while the spindle unit continues to rotate. The fact that the components of the Müller motor spindle can theoretically be “disassembled”, as suggested by the Examiner, is immaterial because a disassembly is possible only when the motor spindle is at rest. Nothing can rotate in order to carry out a tool exchange.

The Examiner further takes Official Notice that the claim limitation regarding the “collet” is well known in the art so as to bridge the absence of a teaching or suggestion of this claim limitation. Applicant believes that this rejection is improper in the context of the present invention and requests a citation or an Examiner's affidavit that provides such citations. As stated by the Federal Circuit in *In re Lee*, 61 USPQ2d, 1434, 1435, “Common knowledge and common sense, even if assumed to derive from the agency's expertise, do not substitute for authority when the law requires authority.”. The Court also stated that “The Board's findings must be documented on the record.

For the reasons set forth above, it is applicant's contention that Müller neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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